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Remarks

Reconsideration of the above-captioned application is respectfully requested. All pending claims (1-30) have been rejected under 35 U.S.C. §103 as being unpatentable over Siu et al., USPN 6,522,641. As now amended, Claim 1 recites that the access request includes a combination of a client device IP address and a foreign agent identification as disclosed on page 8, penultimate paragraph of the specification. Claims 1-30 remain pending.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

Rejections Under 35 U.S.C. §103

Claims 1-30 have been rejected under 35 U.S.C. §103 as being unpatentable over Siu et al., which nowhere in the relied-upon sections mentions a data rate, much less the data rate set forth in independent Claim 24, and which nowhere discloses in the relied-upon portions a foreign agent at a base station or anything that might be considered to be a foreign agent as set forth in independent Claim 1, much less one that combines the specific two entities now set forth in independent Claim 1. Indeed, while the Office Action alleges that the claimed foreign agent is disclosed in col. 1, lines 52-67, col. 2, lines 1-4, and col. 5, lines 37-53, it fails to explicitly state what, exactly, the examiner considers to be the foreign agent. In fact, the cited portions of cols. 1 and 2 simply teach that the base station connects to a network via ISDN switches, while the cited portion of col. 5 discusses various types of access. Nowhere in these sections does anything resembling a foreign agent appear, which may be why the rejection avoids specifically divulging just what

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is being considered to be the "foreign agent" in Siu et al. Furthermore, it does not appear that the base stations in Siu et al. have anything to do with accounting data as is otherwise set forth in independent Claim 12. Rather, the subnet controller of Siu et al. appears to effect this function. The claims are patentable for these reasons alone.

Moreover, several missing elements from Siu et al. have been deemed obvious based on absolutely no evidence apart from "examiner findings". These, however, are not part of the prior art or general knowledge in the art. For example only, the examiner has "found it obvious" to include the subnet controller of Siu et al. with the network management center without a shred of prior art citation in support. As another example, the limitations of Claims 3 and 15 have been found to be unpatentable "over considerable consideration of the teachings of Siu". Applicant has no idea what in Siu et al. the examiner believes renders Claims 3 and 15 unpatentable, or what is meant by "considerable considerations".

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



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